THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24100 of 2006

Dated:05.03.2007

Between:

T. Venkat Reddy.

…PETITIONER

and

The Executive Engineer, Miryalaguda, Nalgonda District, and others.

…RESPONDENTS

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WRIT PETITION No.24100 of 2006

ORDER:

The petitioner was entrusted the work of (i) laying C.C. Road from Gagillapur R&B road to Gagillapur S.C. Colony and (ii) laying C.C. Road from Gagillapur R&B road to Gagillapur S.C. wada Bit-II, each estimated at Rs.1.40,000/-. After completion of the work, he submitted bills. Cheque No.B.745741 dated 13.07.2006 was issued by the Deputy Chief Executive Officer, Zilla Parishad, Nalgonda. However, when the same was presented before fourth respondent, the same was not honoured as "instrument is outdated". The petitioner, therefore, filed instant writ petition for a direction to respondent 1 to 3 to take immediate steps for issue of fresh cheque/validated cheque.

This Court adjourned the matter to enable the respondents to rectify the situation. Today, learned counsel for the petitioner states that after filing instant writ petition, said cheque was revalidated by the Cheque Issuing Authority and the petitioner has already encashed the same. He, however, submits that the interest for the delay in issuing the cheque was not paid to the petitioner. Therefore, he insists on the prayer wherein he seeks a Mandamus directing the respondents to pay interest at the rate of 21% p.a.,

A copy of the agreement of the work is not annexed to the writ petition. In the absence of any agreement, this Court cannot hold that the respondents are liable to pay interest on the delayed payment. If the petitioner is aggrieved, he may seek Arbitration in case the agreement provides for such relief or may approach civil Court.

The writ petition, with the above observations, is accordingly

dismissed. No costs.

(V.V.S.RAO, J)

05th March, 2007
ghn